

REMARKS

Claims 1-6 and 18-44 were rejected by the Examiner under 35 USC 102(e) as being anticipated by US Patent Application Publication 2002/0133247A1 to Smith et al.

("Smith"). Claim 17 was rejected under 35 USC 103(a) as being unpatentable over Smith in view of US Patent 5,732,217 to Emura.

Applicant is submitting herewith a 1.311 affidavit with exhibits to demonstrate that the invention as claimed was in hand by the time the Smith provisional application was filed. On this basis alone, the rejection should be withdrawn.

Regarding the Examiner's substantive arguments, Applicant believes that there are important differences between Smith and Applicants' application.

For example, the Examiner stated on pp. 3-4 of the Office action that:

Referring to claims 10-16, 18, 26, and 33-36, Smith generally explains in paragraph 22 that audio, video, graphics, and text can be delivered via media streaming. Smith further lists Internet radio, video clips from news and movies, and animated or graphic representations as more specific types of streaming media content. Skim video, full video, sped-up audio, closed caption text, moving storyboard with fast or slow audio, audio and video, low bandwidth video, and multiple tracks are thus anticipated by Smith as mere variations on streams comprising audio, video, graphics, and/or text.

Applicant disagrees that skim video (Claims 10 and 33), sped-up audio (Claim 12), and moving storyboard (Claim 15) are "mere variations on streams comprising audio, video, graphics and/or text". Smith is not directed to any one of skim video, sped-up audio, and

moving storyboard, because these media representations are not consistent with the purpose of Smith. As stated by Smith in paragraph [0010]:

In particular, what is needed is a system and method for switching between multiple media streams that provide the user with *continuous playback of multimedia content*. (emphasis added)

Smith goes on to give an example in [0039] regarding a sporting event, in which the user selects different viewing angles of the event in such a way as “to ensure seamless switching from the first media stream to the second media stream”. This is to be contrasted with the use of skim video, sped-up audio, and moving storyboard, which in Applicants’ invention permits the user to switch between two *related* media streams while using the *context* in the first stream to determine the playback starting point the second media stream. Such a method is not disclosed is Smith.

With respect to Claim 20, the Examiner stated on page 4 of the Office action that:

mathematical formulas are fundamental to all processes performed by a computing device. Accordingly, at least one mathematical formula is used to calculate the starting point in the second media stream...

Actually, Smith does not teach that the starting point in the second media stream is *determined* from a mathematical formula (as recited in Claim 20), but rather that the switching is “seamless” and without interruption (e.g., see [0039] of Smith). At most, Smith uses a time index or a file index (e.g., see [0050] of Smith).

With respect to Claims 22 and 37, the Examiner stated on page 4 of the Office action that:

Smith discloses in paragraph 9 that in prior art media streaming implementations the starting point in the second media stream is not precisely synchronized with the point in the first media stream. Accordingly, the starting point of the second media steam compensates (albeit unintentionally) for user response time.

As noted above, however, Smith is directed to continuous playback and seamless switching, i.e., Smith is concerned with addressing this shortcoming in the prior art and is not concerned with user response time at all. The Examiner has combined a prior art teaching with Smith that renders Smith unsatisfactory for its intended purpose, which is at odds with MPEP 2143.01.

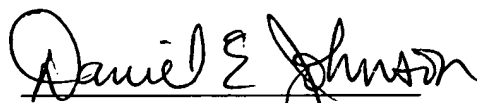
Applicants have added some new claims that highlight the differences between their invention and Smith. Newly added Claim 45 (see also Claims 46, 48, and 49) specifies that “content in the first media stream is time compressed with respect to content in the second media stream, to reduce the time a user spends searching for media content of interest to the user”, as taught on page 5, lines 13-17 and page 19, lines 11-22 of the specification. There is no teaching in Smith regarding *searching* for media content of interest, much less *reducing* the time spent on searching. Newly added dependent Claims 47 and 50 are directed to preferred methods in which “the first media stream includes at least one of moving storyboard and skim video”, which are media representations that lend themselves to performing such searching.

Applicants have also replaced the originally filed Beauregard Claims 42-44 with newly added Claims 51-56.

The Examiner is invited to call the undersigned if a telephone conference will expedite the prosecution of this application.

Respectfully submitted,

Arnon Amir et al.

A handwritten signature in black ink that reads "Daniel E. Johnson". The signature is written in a cursive style with a horizontal line underneath the name.

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